UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.233
16 February 1994
ENGLISH
ORIGINAL: RUSSIAN

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 233rd MEETING

Held at Headquarters, New York,
on Monday, 17 January 1994, at 10.30 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the thirteenth session of the Committee on the Elimination of Discrimination against Women (CEDAW).

2. Mrs. MONGELLA (Assistant Secretary-General), speaking as the Secretary-General of the Fourth World Conference on Women, noted that the Division for the Advancement of Women had been relocated to United Nations Headquarters in New York.

3. The Conference secretariat considered the Committee to be one of the preparatory bodies for the Fourth World Conference. The Committee thus had an opportunity to evaluate implementation of the Convention on the Elimination of All Forms of Discrimination against Women, to develop a mechanism to strengthen the effectiveness of its work, to discuss ways of speeding up implementation of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in June 1993 and to consider the implementation of the Declaration on Violence against Women, adopted by the General Assembly in its resolution 48/104.

4. The World Conference on Human Rights had emphasized the importance of seeing women's rights as human rights and ensuring that women enjoyed such rights. It had also stressed the need for new procedures to ensure genuine fulfilment of commitments to women's equality and human rights. The Conference had requested the Commission on the Status of Women and the Committee promptly to examine the possibility of introducing a right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. That would be one of the main topics for discussion by the Commission. The World Conference had also called on the United Nations to encourage ratification of the Convention on the Elimination of All Forms of Discrimination against Women by all States parties. The Committee had been asked to continue its review of reservations that were contrary to the objective and purpose of the Convention or otherwise incompatible with international treaty law.

5. Past and future United Nations world conferences either had given or would give crucial inputs to the Fourth World Conference on Women. In terms of preparations for the Conference, guidelines had already been drawn up for the participation of non-governmental organizations with or without consultative status, which would ensure broader representation of the population, and in particular of women at the grass-roots level. The Inter-sessional Working Group of the Commission on the Status of Women had developed a Platform for the Commission's thirty-eighth session, to be held in New York from 7 to 18 March 1994.

6. The report on the status of the Convention on the Elimination of All Forms of Discrimination against Women (A/48/354) indicated that 126 States had become parties to the Convention. As of 1 October 1993, the number of States parties had risen to 130. It would be desirable to achieve universal ratification of

the Convention before the Fourth World Conference on Women, thus affirming the world community's commitment to the protection and application of human rights as they related to women.

7. With regard to the programme of work, the Committee would be considering reports submitted by 13 States parties under article 18 of the Convention. At its twelfth session, the Committee had decided, on an exceptional basis, to request the States of the territory of the former Yugoslavia to submit reports on the situation of women under their jurisdiction. The Committee would have before it the report of the Federal Republic of Yugoslavia (Serbia and Montenegro). The Secretariat expected to receive similar reports from Croatia and Bosnia and Herzegovina. The Committee would also consider a report on ways and means of expediting its work. A further significant item would be the clarification of provisions of the Convention. It was to be hoped that the Committee would complete its work on article 16, as well as on articles 7 and 8, which were the subject of a paper prepared by the Division.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

8. The CHAIRPERSON drew the Committee's attention to the provisional agenda contained in document CEDAW/C/1994/1 and to the document on organization of work (CEDAW/C/1994/CRP.1).

9. Ms. TALLAWY believed the agenda should include the future work of the Committee. In the interests, however, of having the agenda adopted by consensus, she suggested that it remain unamended. The Committee could take up the question of its future work at a later stage.

10. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt the agenda.

11. The agenda was adopted.

REPORT OF THE CHAIRPERSON ON THE ACTIVITIES UNDERTAKEN BETWEEN THE TWELFTH AND THIRTEENTH SESSIONS OF THE COMMITTEE

12. The CHAIRPERSON said the report of the Chairperson on activities undertaken between the twelfth and thirteenth sessions of the Committee could be divided into three parts. The first covered her participation, on behalf of the Committee, in conferences and other forums; the second - the results of such participation; and the third - the future tasks to be addressed by the Committee.

13. In March 1993, the Chairperson had, on her own initiative, taken part in the work of the thirty-seventh session of the Commission on the Status of Women. Since the Commission addressed issues which were of direct interest to the Committee, it was most important to ensure that both bodies were kept informed of each other's work. Although originally no resolution concerning the work of the Committee had been prepared, it had later proved possible, thanks to the assistance of the Chairperson of the Commission, Ms. Tallawy, who was now attending the Committee's session, to draw up such a resolution and to have it adopted by the Commission and subsequently by the Economic and Social Council.

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14. In April 1993, the Chairperson had taken part in the fourth session of the Preparatory Committee for the World Conference on Human Rights, followed in June 1993 by participation in the Conference itself. Subsequently, as the representative of Italy, she had attended the European Conference on Cultural Development at Stockholm, where she had obtained results having a bearing on the Committee's work. In September 1993, she had taken part in the International Conference of Women Judges, held at Wellington, New Zealand. The programme of work of that Conference, which was attended by representatives of 26 countries, included a full day on problems affecting implementation of the Convention on the Elimination of All Forms of Discrimination against Women and measures taken by the Committee. The Chairperson had also taken part in Japan's National Conference for the Advancement of Women, during which she met with senior representatives of the Japanese Government.

15. In November 1993, the Chairperson had met, on her own initiative, with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). During that meeting, the Director-General had expressed his intention to promote the most active possible cooperation between UNESCO and the Committee and stated his willingness to provide financial support in that context. The Chairperson was also able to present a report on women's rights at a meeting of representatives of UNESCO member States. At that meeting, the idea had been raised of holding a symposium on the subject of either "Women and technology" or "Women's legal literacy".

16. Also in November 1993, the Chairperson had closely followed the work of the Third Committee of the General Assembly, particularly with respect to agenda item 111. In the course of the Assembly's session, she had met with senior officials of the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM) and representatives of Member States, who had expressed gratitude to the Committee for its work. It should also be noted that, as the result of a suggestion by the representative of France, the Committee would at the next session of the General Assembly be given the opportunity to report to the Third Committee on its work and the results obtained.

17. However, the past year had been marked not only by successes but also by some disappointment. At the fourth session of the Preparatory Committee in Geneva, where the Chairperson was attending a meeting of persons chairing human rights treaty bodies, she had been informed that the meeting was to be held only at the last moment and was not even given a copy of the agenda. At the World Conference on Human Rights in Vienna, the Chairperson herself had had to look for a seat in the conference room because the necessary arrangements had not been made by the secretariat. Also, when a book on women's rights issues was presented at the Vienna Conference, it turned out that neither the text of the Convention nor any information on the Committee's work had been included. The Chairperson, who attended the presentation, had protested at this exclusion.

18. Thus, the conclusion could be drawn that women's problems were still being presented without sufficient clarity, and that the work of the relevant organs was not being publicized properly. There was a need to expand the information provided to the public concerning the problems and the prospects for action in

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that area. That would be in keeping with the spirit of the Vienna Declaration, which acknowledged the importance of achieving that goal. Accordingly, she had sent to the chairpersons of all treaty bodies a letter containing a formal proposal that they should participate in the current session of the Committee, thereby taking the first step to improve coordination. The meeting of chairpersons of human rights treaty bodies had decided to arrange for a mutual exchange of information. That was especially useful since those bodies should, as was clear from the Vienna Declaration, concern themselves with the problems of women.

19. It was necessary at the current session to adopt a new procedure for considering reports, whereby each report would be the subject not only of the separate views of the experts, but also of the concluding observations of the Committee as a whole, which could be communicated to Governments. The Committee would also have to examine the need to work out a new order for future work, since one member of the Committee would, prior to the next session, be assigned the task of studying one of the reports in depth and of preparing a short summary of it, in so far as each member was unable, through lack of time, to study every report in depth. Each member needed, moreover, to keep abreast of the documents of the Human Rights Committee. To that end, the latter should be given the address of one of the experts of CEDAW, to whom documents would be sent and who would be responsible for transmitting them.

20. The document adopted at the most recent meeting of the chairpersons of human rights treaty bodies referred to the need to avoid resorting too often to reservations in the adoption of human rights conventions, which reduced the scope of their application. That document also referred to the non-submission or late submission of periodic reports. It should be recalled that non-submission was a breach of the international commitment undertaken by States parties. A working group of the Committee was already considering the question of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, especially since that had been recommended to the Committee in the Programme of Action adopted at the World Conference on Human Rights. The document also indicated that the Committee should consider without delay the possibility of drafting an optional protocol to that Convention.

21. It was necessary to ensure that CEDAW was not left outside the discussion taking place in the Human Rights Committee concerning the establishment of the post of special rapporteur on violence. Members should give thought to the possibility of applying for that post.

22. In response to the inquiry from the Centre for Human Rights as to what the Committee was doing to promote awareness in the field of human rights and democracy, she said that that question would be considered at its current session, but noted that the Committee was already active in that area. She had also established contact with one of the non-governmental organizations operating in New York in that field, and it would be possible later to consider in detail the forms of possible cooperation.

23. Consideration was currently being given to the question of arranging for closer cooperation between the Human Rights Committee and the Committee on

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Economic, Social and Cultural Rights, for example, with reference to poverty and children. Obviously, CEDAW would do well to consider organizing similar cooperation. It was already fruitfully cooperating with the specialized agencies, and that should be reflected in the Committee's report. However, as part of that cooperation, there was also a need to seek sponsors, in order to solve financial problems. That idea had found a positive response, for instance, from UNESCO, as mentioned earlier. Willingness to collaborate had already been indicated by representatives of the International Labour Organization (ILO) and the World Health Organization (WHO). The benefits of collaboration in respect of women's job placement and health protection were obvious, especially since WHO, for example, had the necessary resources. As to other bodies in the United Nations system, UNFPA wished the Committee to participate in the International Conference on Population and Development to be held in Cairo, and was ready to assist in that regard. Another important organ was UNIFEM, which had contacts with non-governmental organizations that were ready to collaborate in various countries with the Committee.

24. As to the non-governmental organizations, the Committee should issue a statement noting the assistance they had given and the role they had played in the World Conference on Human Rights, and containing an appeal for similar action at the Cairo Conference. Links with the non-governmental organizations could be arranged through the specialized agencies or through the United Nations Office at Geneva. In addition, the Secretariat at Headquarters should be requested to set up a centre for coordinating relations between non-governmental organizations and the Committee.

25. With regard to the reports from States parties, the question had arisen concerning urgent reports from the States of the Former Yugoslavia. The Federal Republic of Yugoslavia (Serbia and Montenegro) had been the first to submit such a report. In the course of her contacts, the question had been raised as to whether the Committee was ready to consider reports on Croatia and on Bosnia and Herzegovina presented orally, and she had responded in the affirmative. The procedure to be followed by the Committee would resemble that adopted by the Human Rights Committee.

26. The Committee should consider the need to amend the provision in article 20 of the Convention, according to which it should normally meet for a period of not more than two weeks annually. No other human-rights convention contained such a provision. With regard to articles 7 and 8, she had prepared a detailed analysis. For certain reasons, however, possibly connected with the Committee's move to New York, the Secretariat had prepared a parallel document which took no account of that analysis. The Committee should therefore endeavour to merge those two documents.

27. Obviously, it was time to start preparations for the Fourth World Conference on Women. It was necessary to consider whether the Committee's contribution would be embodied in a report, as in the past, or whether it would take other forms.

28. General recommendation 21, relating to articles 9, 15 and 16 of the Convention, would, as noted in the Committee's report on its previous session

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(A/48/38, para. 640), be placed on the provisional agenda of its thirteenth session for final approval without further discussion. However, it was clear from a detailed reading of the text that it was repetitious and confused in places, in addition to being too long. In the past, the Committee's recommendations had at first followed the lines of General Assembly resolutions, but subsequently had become more wordy. Obviously, the Committee should not go too far in trying to shun verbosity. In that connection, Ms. Cartwright had been entrusted with the task of preparing an updated version of the recommendation, condensing it where possible and incorporating additions. Other members of the Committee could submit additions and observations. If, however, the draft recommendation in its new form could not be adopted, it would be necessary to adopt the draft in its old form. There was no alternative, since there was no more time, whereas the recommendation was of great importance.

29. In conclusion, she noted that the Committee had before it at the current session some very lengthy reports which could not be considered by the two working groups in current conditions. She therefore suggested setting up a third working group, which would function in the morning with the same membership as that of the first two working groups, while in the afternoon the members would work independently.

30. Ms. CARTWRIGHT expressed concern that the existing text of general recommendation 21 was too wordy and contained much repetition. In that regard, despite the amount of work carried out at the previous session and in the course of 1993, only a small number of States parties would have time to study it. She was therefore ready to respond to the proposal to edit the text of the recommendation, condense it and submit to the Committee material which would provide a good basis for redrafting the document. The shorter and more concise the text of the general recommendation was, the greater was the probability that States parties would study it and use it in preparing their reports to the Committee. It should be noted, however, that, if the text was too detailed, States parties could draw the conclusion that it represented a detailed summary of all the recommendations arising from general recommendation 21. The field covered by that recommendation - the situation of women within the family - was of course constantly evolving, and the recommendation should be made more general in scope. In conclusion, she expressed the hope that the members of the Committee would allow the existing text of the recommendation to be shortened by half.

31. Ms. BUSTELO also noted that both the analytical part of the document and the recommendations were too lengthy and repetitious, and that the text should be improved without departing from the areas of agreement achieved at the previous session.

32. Article 16 of the Convention was extremely important. It touched on the most varied aspects of the problem, thereby complicating the drafting of the recommendation on that article and on articles 15 and 9. An important achievement of the previous session had been the agreement reached on a number of issues for inclusion in the text of the recommendation, but the best way of reflecting them had not been found. Ms. Cartwright's proposal for redrafting the text should therefore be taken into account. Article 16, unlike the other

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articles of the Convention, dealt with many specific issues. But if the text of the recommendation was to be yet more specific than article 16 itself, that might result in limiting the obligations of States parties, as Ms. Cartwright had indicated.

33. Ms. TAI LAWY observed that, at the World Conference on Human Rights, steps had been taken in the right direction, in that women's rights had been viewed as human rights, and had been acknowledged by the participants in the Conference, who had put forward some useful recommendations. That should be regarded, however, only as an initial success which needed to be strengthened; and the Secretariat had an important role to play in that regard. The reason why the Convention was not clearly reflected in many United Nations reports or incorporated in its publications was that the secretariats of CEDAW and of the Commission on the Status of Women had insufficient material and financial resources and also lacked the requisite staff. They should therefore be strengthened. Two questions arose in that respect, one organizational and the other substantive. The first was connected with the need to ensure the high level of persons heading the Committee and the Commission. Furthermore, the number of staff in their secretariats should be sufficient for the proper performance of their duties, so that women could participate in the consideration of any human-rights issues. The second question concerned the need to put forward recommendations on substantive questions at the International Conference on Population and Development and the World Summit for Social Development. Those recommendations were important: whereas in the past, such organs as the International Monetary Fund and the World Bank had not concerned themselves with women's views on questions of labour resources and investment in education and health care, they had now begun to consider social aspects and also aspects relating to the status of women and human rights as an important component of economic growth and development. The current extremely complex situation in many countries of the world was due to the fact that Governments were ignoring social questions. The Committee could make an important contribution in that field. The available extrabudgetary resources should be used for financing any additional work needed by the Committee. Those resources could also be used for engaging specialists from various non-governmental organizations who could provide assistance in preparing documents on substantive questions.

34. The CHAIRPERSON said that she would raise the question of resources at the meeting of the working group.

35. Ms. SCHÖPP-SCHILLING said that it was time to define clearly the status of the Committee, which in her view, was a body that championed women's rights. Unfortunately, in the Centre for Human Rights in Geneva, another viewpoint was held. Therefore, on the Committee's behalf, she was requesting the Secretariat to assist in preparing the necessary documents with a view to shedding light on that question. Furthermore, although the members of the Committee had requested, at the previous session, the inclusion of the Committee's documents in the list of publications of the Centre for Human Rights, to date no publication had been issued on women's issues, and in that regard the Secretariat's assistance was essential. She was also concerned that the Chairperson had been required to pay for her own official travel, a situation

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which was inadmissible in the context of the United Nations system and represented discrimination vis-à-vis the Committee. The appropriate steps should be taken to ensure that it did not recur.

36. As to general recommendation 21, she fully agreed with the proposal to redraft the text more concisely.

37. She commended the Committee's contribution to the work of the World Conference on Human Rights and hoped that that success would enable a valuable contribution to be made to other conferences, such as the International Conference on Population and Development. It was in documents on population questions that issues relating to the status of women were reflected most fully. In the documents before the Committee, however, there were numerous shortcomings. The Committee should therefore give attention to that problem in order to assist in enhancing the effectiveness of the work of the Conference. In conclusion she supported the Chairperson's suggestion for setting up a third ad hoc working group.

38. Ms. GARCIA-PRINCE said that, at the current session, the Committee would have to draw up its future programme of work, taking into account results already achieved.

39. It was inadmissible that the members of the Committee should have to pay their own travel expenses. Furthermore, the Chairperson should have funds available to cover the costs of facsimile transmission. A proposal had been made that the Committee should recommend to the Economic and Social Council provision of the necessary funds to pay the travel expenses of the Chairperson and one other expert for their participation in the work of the various meetings. The question should also be raised in that same recommendation concerning the inadmissibility of a situation where the presence of experts was required simultaneously in New York and in Geneva.

40. The Chairperson was required to attend various regional conferences, including the conference in Mar del Plata. The Committee had prepared a "platform" for the forthcoming Cairo Conference, and the recommendations contained therein should draw attention to the importance of ratifying the Convention.

41. She regretted that the draft recommendations she had prepared had not been sent in time, and expressed the hope that that and other shortcomings would be eliminated from the Committee's work.

42. Ms. BRAVO DE RAMSEY said that it was the Committee's task to examine various questions on an official footing, and for that purpose made contact with Governments and non-governmental organizations; that was precisely why it had been created. However, it was not devoting due attention to certain questions. Members should recall, for instance, the recent prosecution of a woman who, herself the victim of violence, had committed a crime. They should inform the judicial organs involved in the case that they were closely following it and understood the situation.

43. Ms. NIKOLAEVA, turning to the question of improving the Committee's work, said that the working group had discussed that question at length, as it had the question of implementation of the Convention, and that Ms. Forde would later report on the outcome of the discussion.

44. She noted that the reports submitted to the Committee contained insufficient information on article 11 of the Convention concerning the employment of women. That aspect of the work and the preparation of recommendations on that article should be expedited.

45. Ms. ABAKA said that, inasmuch as the questions of women's rights and development were closely linked, she was grateful to the Committee for the contacts established with UNIFEM and UNESCO. Since the Committee frequently discussed the problems of women living in rural areas, she would recommend that similar contacts should be made with the Food and Agriculture Organization of the United Nations.

46. The CHAIRPERSON said she considered the question of the Committee's organization of work to have been fully resolved.

The meeting rose at 1.10 p.m.